

SENATE BILL NO. 156

INTRODUCED BY COONEY

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO INCREASE THE NUMBER OF CHILDREN ELIGIBLE FOR THE CHILDREN'S HEALTH INSURANCE PROGRAM, IF THE DEPARTMENT DETERMINES THERE IS SUFFICIENT AND SUSTAINABLE FUNDING AVAILABLE, BY ~~INCREASING FROM 150% OF~~ SETTING THE PERCENTAGE OF THE FEDERAL POVERTY LEVEL, AS APPLIED TO A PERCENTAGE OF FAMILY INCOME, TO A PERCENTAGE OF NOT MORE THAN 200% OF THE FEDERAL POVERTY LEVEL ~~THE AMOUNT OF INCOME A FAMILY MAY EARN AND STILL BE ELIGIBLE FOR THE CHILDREN'S HEALTH INSURANCE PROGRAM;~~ AMENDING SECTION 53-4-1004, MCA; AND PROVIDING A CONTINGENT TERMINATION PROVISION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-4-1004, MCA, is amended to read:

"53-4-1004. (Temporary) Eligibility for program -- rulemaking. (1) To be considered eligible for the program, a child:

(a) must be 18 years of age or younger;

(b) must have a combined family income at or below 150% of the federal poverty level or at a lower level determined by the department of public health and human services as provided in subsection (4);

(c) may not already be covered by private insurance that offers creditable coverage, as defined in 42 U.S.C. 300gg(c);

(d) may not be eligible for medicaid benefits; and

(e) must be a United States citizen or qualified alien and a Montana resident.

(2) The department of public health and human services shall adopt rules that establish the program's criteria for residency. The criteria must conform as nearly as practicable with the residency requirements for medicaid eligibility.

(3) Subject to 53-4-1009(3), rules governing eligibility may also include financial standards and criteria for income and resources, treatment of resources, and nonfinancial criteria.

(4) If the department determines that there is insufficient funding for the program, it may lower the

percentage of the federal poverty level established in subsection (1)(b) in order to reduce the number of persons who may be eligible to participate or may limit the amount, scope, or duration of specific services provided.

(5) If the department determines that there is sufficient AND SUSTAINABLE funding available, it may increase SET the percentage of the federal poverty level established in subsection (1)(b) to AT a percentage between 150% and 200% of that level in order to increase the number of persons who may be eligible to participate in the program. (Terminates on occurrence of contingency--sec. 15, Ch. 571, L. 1999.)"

NEW SECTION. Section 2. Contingent Termination. [This act] terminates on the date that the director of the department of public health and human services certifies to the governor that the federal government has terminated the program or that federal funding for the program has been discontinued.

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